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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,999	12/31/2003	Remesh Seth Nair	42P17662	9952

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,999

Applicant(s)

NAIR ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-30 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-9, 11-13, 16-21, 24-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimenko (U.S. Patent No. 5,974,547) and Haskins et al. [Haskins] (U.S. Patent No. 6,240,169).

4. Regarding claims 1 and 8, Klimenko teaches a method comprising:

requesting boot image data from a server [col. 6, lines 29-32];

receiving the boot image data from the server [col. 6, lines 32-35]; and

storing the boot image data in a memory [col. 9, lines 5-6].

Klimenko does not explicitly teach that a memory address region is provided by the server. One of ordinary skill in the art would recognize that this could be done by sending the memory address information along with the boot image data from the server.

Haskins teaches a method comprising:

requesting, from a client, data stored in a server [col. 19, lines 50-51; col. 20, lines 35-

36]; and

receiving the data and memory address region from the server [col. 19, lines 52-54; col. 20, lines 37-40].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klimenko to include the memory address region provided from the server as taught by Haskins. The modification would increase the flexibility of the system by allowing the system to store the received data into a memory location not only designated by the client but also designated by the server.

5. Regarding claim 2, Klimenko teaches the initializing an operating system [col. 6, lines 33-35].

6. Regarding claims 3 and 11, Klimenko does not mention the utilization of a network bootstrap program during the remote boot process.

7. Regarding claim 6, Klimenko teaches that network data is directly loaded into system through network interface [col. 9, lines 62-65].

8. Regarding claims 7 and 9, Klimenko teaches that loading a bootloading [col. 7, lines 17-24].

9. Regarding claims 8, in addition to the rejection to claim 1 above, Klimenko further teaches packets are sent to and from the server [col. 9, line 66 – col. 10, line 2; col. 10, lines 50-53].

10. Regarding claims 12, 13, 16-18, Klimenko and Haskins together teach the claimed method steps. Therefore, Klimenko and Haskins together teach the apparatus to implement the claimed method steps.

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11. Regarding claims 19-21, 24-28 and 30, Klimenko and Haskins together teach the claimed method steps. Therefore, Klimenko and Haskins together teach the instructions for carrying out the claimed method steps.

12. Claims 4, 5, 10, 14, 15, 22, 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimenko (U.S. Patent No. 5,974,547), Haskins et al. [Haskins] (U.S. Patent No. 6,240,169) and applicant's admission of prior art [AAPA].

Page 7, lines 2-7 of para. 0026 of the application's specification describes a conventional boot process. Therefore, this portion is considered as prior art admitted by applicant.

13. Regarding claim 4, AAPA teaches that the process comprising discovering a network protocol identifier [application's specification, p. 7, lines 2-3 of para. 0026].

14. Regarding claims 5 and 10, AAPA teaches that the process comprising operating utilizing PXE [application's specification, p. 7, lines 2-3 of para. 0026].

15. Regarding claims 14, 15, Klimenko, Haskins and AAPA together teach the claimed method steps. Therefore, Klimenko, Haskins and AAPA together teach the apparatus to implement the claimed method steps.

16. Regarding claims 22, 23 and 29, Klimenko, Haskins and AAPA together teach the claimed method steps. Therefore, Klimenko, Haskins and AAPA together teach the instructions for carrying out the claimed method steps.

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
June 16, 2006



**THUAN N. DU**  
**PRIMARY EXAMINER**